

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

BRIAN CUMMINGS, )  
Plaintiff, )  
v. ) Case No. 3:22-cv-00301  
BRETTON KEEFER, on behalf of the )  
deceased CHESTA SHOEMAKER, ) Chief Judge Waverly D. Crenshaw, Jr.  
AFSOON HAGH, and ) Magistrate Judge Alistair E. Newbern  
JEANNE BURTON, Trustee on behalf )  
of CUMMINGS MANOOKIAN, PLC, )  
Defendants. )

**MOTION FOR ENTRY OF DEFAULT  
AGAINST DEFENDANT AFSOON HAGH**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff Brian Cummings respectfully requests that the Clerk enter a default against Defendant Afsoon Hagh. As grounds for this Motion, Plaintiff states as follows:

1. On March 22, 2022, Plaintiff filed this action in the Circuit Court for Davidson County, Tennessee. (Doc. No. 1, PageID# 4-14.)
2. On March 29, 2022, Plaintiff filed an Amended Complaint in the Circuit Court for Davidson County, Tennessee. (Doc. No. 1, PageID# 20-32.)
3. On April 26, 2022, Defendant Jeanne Burton, Chapter 7 Trustee for Cummings Manookian, PLC removed Plaintiff's action to this Court. (Doc. No. 1.)
4. This Court entered two Orders granting Plaintiff's requests to extend the time in which to serve Defendant Hagh, ultimately extending the date to November 28, 2022. (Doc. No. 20; Doc. No. 35, PageID# 163.)

5. Repeated attempts to serve Defendant Hagh were unsuccessful due to Defendant Hagh's active evasion of service of process, as described in Plaintiff's Notice Regarding Service Efforts and in Attorney Price's declarations filed with this Court. (Doc. Nos. 19, 25, 28, 32, 33.)

6. On September 30, 2022, this Court directed the U.S. Marshals Service to effect service of process on Defendant Hagh at 226 Pelham Drive in Brentwood, Tennessee, and directed the Clerk of Court to issue a Summons to Defendant Hagh at this address for service by the U.S. Marshals Service. (Doc. No. 35, PageID# 163.)

7. On October 11, 2022, the U.S. Marshals Service traveled to 226 Pelham Drive in Brentwood, Tennessee to effect service on Defendant Hagh. These efforts were met by the obstructionist and threatening behavior of Defendant Hagh's husband, as described in the return of service and in the Declaration of Deputy U.S. Marshal Robert Capus. (Doc. Nos. 39, 45.)

8. As discussed in the accompanying Memorandum of Law filed herewith, the efforts of the U.S. Marshals Service and the deliberate interference by Defendant Hagh's husband are sufficient to meet the standards required to effect service in this case. As such, Defendant Hagh was served on October 11, 2022.

9. More than 21 days have passed since Defendant Hagh was served with the Summons and Amended Complaint; however, Defendant Hagh has not filed a responsive pleading.

For these reasons, Plaintiff asks the Clerk to enter a default against Defendant Hagh in this matter. Plaintiff is filing herewith the unsworn declaration required by L.R. 55.01 in support of this Motion.

Respectfully Submitted,

**COUNTERPOINT LEGAL, PLC**

By: /s/ Elizabeth S. Tipping  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served on this the 10th day of February, 2023, via the Court's electronic filing system on the following:

Phillip G. Young, Jr.  
Thompson Burton PLLC  
1801 West End Avenue, Suite 1550  
Nashville, TN 37203  
phillip@thompsonburton.com

and via United States First Class mail, postage prepaid on the following:

Bretton Keefer  
5554 Pumpkintown Lane  
Lafayette, TN 37083

Afsoon Hagh  
Hagh Law PLC  
226 Pelham Drive  
Brentwood, TN 37027-4237

/s/ Elizabeth S. Tipping